

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

THIRTY-SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, March 13, 2014

The House convened at 10:00 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor J. P. Mosley, Jr., followed by the Pledge of Allegiance led by House pages Ajok (Victoria) Deng and Bryce Roberts.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-fifth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS**DISSENT AND PROTEST PASSAGE OF SB 53**

Pursuant to Joint Rule 1-10, we, the undersigned Representatives, do hereby respectfully dissent and protest the passage of SB 53. The bill was amended in its entirety on the House floor to include four objects of one time appropriations, that were not subjected to public committee hearings, and which clearly violate the explicit requirements of South Dakota Constitution Article XII, Section 2 which states: "All other appropriations shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the Legislature." After being defeated, the bill was discussed in closed meeting by a quorum of House members in which the public and minority party legislators were specifically excluded, and the bill was subsequently reconsidered and passed. We believe that this is in contravention of South Dakota Constitution Article III, Section 15 which states "The sessions of each house and of the committee of the whole shall be open, unless when the business is such as ought to be kept secret." The reasons for appropriation and disbursement of tax payer dollars should NOT be kept secret. For these reasons, we believe that the passage of the bill is in contravention of South Dakota's Constitution, is injurious to the rights of the people of South Dakota, and is therefore null and void. We respectfully request that this dissent be printed in the House Journal as required by Joint Rule 1-10.

Respectfully submitted,
Stace Nelson
Elizabeth May
Troy Heinert
Paula Hawks
Patrick A. Kirschman

Respectfully submitted,
Lance S. Russell
Dan Kaiser
Kevin Killer
Dean Schrempp
Dennis Feickert

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has appointed Sens. Tidemann, Holien, and Tom Jones as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on HB 1206.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has appointed Sens. Maher, Chuck Jones, and Bradford as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on HB 1213.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has appointed Sens. White,
3 Vehle, and Sutton as a committee of three on the part of the Senate to meet with a like
4 committee on the part of the House to adjust the differences between the two houses on
5 HB 1142.

6 Also MR. SPEAKER:

7 I have the honor to inform your honorable body that the Senate has appointed
8 Sens. Tidemann, Holien, and Tom Jones as a committee of three on the part of the Senate to
9 meet with a like committee on the part of the House to adjust the differences between the two
10 houses on HB 1111.

11 Also MR. SPEAKER:

12 I have the honor to inform your honorable body that the Senate has appointed Sens. Curd,
13 Kirkeby, and Welke as a committee of three on the part of the Senate to meet with a like
14 committee on the part of the House to adjust the differences between the two houses on
15 HB 1177.

16 There being no objection, the House reverted to Order of Business No. 6.

17 **REPORTS OF CONFERENCE COMMITTEES**

18 Cc177

19 MR. SPEAKER:

20 The Conference Committee respectfully reports that it has considered SB 177 and the
21 amendments thereto made by the House, and the disagreement of the two houses thereon, and
22 recommends that the title to SB 177 be amended as follows:

23 177nta

24 On page 1, line 2, of the House engrossed bill, delete everything after "to" and insert
25 "medical services and to declare an emergency."

26 On page 1, delete line 3.

27 Respectfully submitted,
28 Fred Romkema
29 House Committee Chair

Respectfully submitted,
Deb Peters
Senate Committee Chair

1 Cc108

2 Also MR. SPEAKER:

3 The Conference Committee respectfully reports that it has considered SB 108 and the
4 amendments thereto made by the House, and the disagreement of the two houses thereon, and
5 recommends that SB 108 be amended as follows:

6 108oc

7 On the House engrossed bill, delete everything after the enacting clause and insert:

8 " Section 1. The Department of Human Services and the Department of Labor and Regulation
9 shall jointly conduct a study of services and insurance coverage for the treatment of autism
10 spectrum disorder for children. The study shall include input from families, autism advocacy
11 groups, legislators, state policy leaders, and other stakeholders. The study shall examine:

12 (1) The issues related to the cost of requiring insurance plans to cover the screening,
13 diagnosis, and treatment of autism spectrum disorder for children, including current
14 autism care services and insurance coverage available in South Dakota;

15 (2) The availability and certification requirements of service providers;

16 (3) The accepted treatment protocols and clinical and other outcomes associated with
17 such treatments;

18 (4) The cost effectiveness of treatments and insurance coverage in surrounding states;

19 (5) The overall cost per insured for coverage of applied behavior analysis;

20 (6) The current costs incurred to the state related to autism, including treatment and
21 associated educational costs; and

22 (7) Other issues as appropriate.

23 The departments shall submit a report with findings and any recommendations to the
24 Governor and the Legislature no later than November 15, 2014.

25 Section 2. The Department of Human Services and the Department of Labor and Regulation
26 may contract with a consultant for the study required in section 1 of this Act. The consultant
27 shall have demonstrated expertise in autism spectrum disorder and in evaluating the issues
28 relating to the insurance coverage for the treatment of autism spectrum disorder for children.

29 Section 3. Any agency of the state or any organization that has a contract with the state shall
30 cooperate with the Department of Human Services and the Department of Labor and Regulation
31 or its consultant for the purpose of providing facts, figures, data, projections and other
32 information needed to complete the study."

1 And that the title to SB 108 be amended as follows:

2 108ota

3 On page 1, line 1, of the House engrossed bill, delete everything after "Act to" and insert
4 "require a study of services and insurance coverage for the treatment of autism spectrum
5 disorder for children."

6 On page 1, delete lines 2 and 3.

7 Respectfully submitted,
8 Brock Greenfield
9 House Committee Chair

Respectfully submitted,
Timothy Rave
Senate Committee Chair

10 Cc1206

11 Also MR. SPEAKER:

12 The Conference Committee respectfully reports that it has considered HB 1206 and the
13 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
14 recommends that all Senate amendments be deleted, thus restoring the bill to the House
15 Engrossed version.

16 Respectfully submitted,
17 Fred Romkema
18 House Committee Chair

Respectfully submitted,
Larry Tidemann
Senate Committee Chair

19 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

20 Rep. Russell moved that the report of the Conference Committee on HCR 1028 as found
21 on page 739 of the House Journal be adopted.

22 The question being on Rep. Russell's motion that the report of the Conference Committee
23 on HCR 1028 be adopted.

24 And the roll being called:

25 Yeas 60, Nays 2, Excused 8, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Jenna); Hajek; Hawks;
4 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
5 Killer; Kirschman; Kopp; Langer; Lust; Magstadt; May; Novstrup (David); Olson (Betty); Otten
6 (Herman); Peterson; Qualm; Rasmussen; Ring; Rounds; Russell; Schoenfish; Schrempp; Sly;
7 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
8 Wismer; Speaker Gosch

9 Nays:

10 Latterell; Nelson

11 Excused:

12 Carson; Haggar (Don); Mickelson; Munsterman; Parsley; Romkema; Rozum; Schaefer

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and the report was adopted.

15 Rep. Greenfield moved that the report of the Conference Committee on SB 108 as found
16 on page 756 of the House Journal be adopted.

17 The question being on Rep. Greenfield's motion that the report of the Conference
18 Committee on SB 108 be adopted.

19 And the roll being called:

20 Yeas 63, Nays 0, Excused 7, Absent 0

21 Yeas:

22 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;
23 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Jenna); Hajek; Hawks;
24 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
25 Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Nelson; Novstrup (David); Olson
26 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell;
27 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
28 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

29 Excused:

30 Carson; Haggar (Don); Killer; Mickelson; Munsterman; Romkema; Schaefer

31 So the motion having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the motion carried and the report was adopted.

1 Rep. Mickelson moved that the report of the Conference Committee on HB 1206 as found
2 on page 757 of the House Journal be adopted.

3 The question being on Rep. Mickelson's motion that the report of the Conference
4 Committee on HB 1206 be adopted.

5 And the roll being called:

6 Yeas 63, Nays 1, Excused 6, Absent 0

7 Yeas:

8 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;
9 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Hagggar (Jenna); Hajek; Hawks;
10 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
11 Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Novstrup (David); Olson
12 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell;
13 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
14 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

15 Nays:

16 Nelson

17 Excused:

18 Carson; Hagggar (Don); Killer; Munsterman; Romkema; Schaefer

19 So the motion having received an affirmative vote of a two-thirds majority of the members-
20 elect, the Speaker declared the motion carried and the report was adopted.

21 Rep. Mickelson moved that the report of the Conference Committee on SB 177 as found
22 on page 755 of the House Journal be adopted.

23 The question being on Rep. Mickelson's motion that the report of the Conference
24 Committee on SB 177 be adopted.

25 And the roll being called:

26 Yeas 63, Nays 1, Excused 6, Absent 0

27 Yeas:

28 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;
29 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Hagggar (Jenna); Hajek; Hawks;
30 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
31 Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Novstrup (David); Olson
32 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell;
33 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
34 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

1 Nays:

2 Nelson

3 Excused:

4 Carson; Haggar (Don); Killer; Munsterman; Romkema; Schaefer

5 So the motion having received an affirmative vote of a two-thirds majority of the members-
6 elect, the Speaker declared the motion carried and the report was adopted.

7 There being no objection, the House reverted to Order of Business No. 6.

8 **REPORTS OF CONFERENCE COMMITTEES**

9 Cc65

10 MR. SPEAKER:

11 The Conference Committee respectfully reports that it has considered SB 65 and the
12 amendments thereto made by the House, and the disagreement of the two houses thereon, and
13 recommends that SB 65 be amended as follows:

14 65oa

15 On page 9 of the House engrossed bill, delete lines 21 to 24, inclusive, and insert:

16 " Section 21. That § 31-12A-36 be amended to read as follows:

17 31-12A-36. ~~An additional~~ A contiguous area may be annexed or an area withdrawn from a
18 road district by:

19 (1) Circulation of an initiating petition ~~therefor by the qualified~~ for annexation signed by
20 twenty-five percent of the eligible voters in the new area to be annexed and twenty-
21 five percent of the eligible voters in the existing district, similar to an initiating
22 petition specified in this chapter; or

23 (2) Circulation of an initiating petition for withdrawal signed by qualified ~~twenty-five~~
24 percent of the eligible voters in the affected area to be withdrawn and passage of a
25 resolution therefor by the directors of the road district.

26 Upon receipt of an initiating petition and passage of a resolution by the directors, the area
27 shall be annexed ~~or withdrawn in the same manner as prescribed for creation of a new road~~
28 project district if a majority of the eligible voters in the area to be annexed and a majority of the
29 eligible voters in the existing area vote in favor of the annexation in the same manner as
30 prescribed for creation of a new road district or the area shall be withdrawn if a majority of the

eligible voters in the withdrawing area vote in favor of withdrawal in the same manner as prescribed for creation of a new road district."

On page 10, delete lines 1 to 8, inclusive.

Respectfully submitted,
Brian Gosch
House Committee Chair

Respectfully submitted,
Mark Kirkeby
Senate Committee Chair

ANNOUNCEMENTS

The Speaker appointed Reps. Lust, Latterell, and Hawley as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on SB 1.

Rep. Wink moved that the House do now recess until 1:00 p.m., which motion prevailed and at 10:49 a.m., the House recessed.

RECESS

The House reconvened at 1:00 p.m., the Speaker presiding.

REPORTS OF CONFERENCE COMMITTEES (continued)

Cc1111

MR. SPEAKER:

The Conference Committee respectfully reports that it has considered HB 1111 and the amendments thereto made by the Senate, and the disagreement of the two houses thereon, and recommends that all Senate amendments be deleted, thus restoring the bill to the House version.

Respectfully submitted,
Lance Carson
House Committee Chair

Respectfully submitted,
Larry Tidemann
Senate Committee Chair

1 Cc1142

2 Also MR. SPEAKER:

3 The Conference Committee respectfully reports that it has considered HB 1142 and the
4 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
5 recommends that HB 1142 be amended as follows:

6 1142fa

7 On page 3, line 8, of the Senate engrossed bill, delete everything after "fund." .

8 On page 3, delete lines 9 to 12, inclusive.

9 On page 3, line 13, delete "The" and insert "One million five hundred thousand dollars
10 (\$1,500,000) from the current balance of the".

11 On page 3, line 13, delete everything after "be" .

12 On page 3, line 14, delete "balance".

13 And that the title to HB 1142 be amended as follows:

14 1142fta

15 On page 1, line 2, of the Senate engrossed bill, after "institutes," insert "to transfer certain
16 funds,".

17 Respectfully submitted,
18 G. Mark Mickelson
19 House Committee Chair

Respectfully submitted,
Jim White
Senate Committee Chair

20 Cc1213

21 Also MR. SPEAKER:

22 The Conference Committee respectfully reports that it has considered HB 1213 and the
23 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
24 recommends that HB 1213 be amended as follows:

25 1213te

26 On page 2 of the Senate engrossed bill, delete line 24, and insert:

27 " Section 4. The task force shall be under the supervision of the Executive Board of the
28 Legislative Research Council and staffed and funded as an interim legislative committee. The

1 Legislative Research Council may receive additional funds from any legal source to carry out
2 the purposes of this Act. The Executive Board shall designate the chair and vice chair of the task
3 force.".

4 On page 3, delete lines 1 and 2.

5 On page 3, delete lines 12 and 13, and insert "to the Executive Board of the Legislative
6 Research Council not later than December 1, 2014, and a final report, recommendations, and
7 potential draft legislation to the Executive Board of the Legislative research Council no later".

8 Respectfully submitted,
9 Scott Munsterman
10 House Committee Chair

Respectfully submitted,
Ryan Maher
Senate Committee Chair

11 Cc1177B

12 Also MR. SPEAKER:

13 The Conference Committee respectfully reports that it has considered HB 1177 and the
14 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
15 recommends that HB 1177 be amended as follows:

16 1177je

17 On page 2, line 2, of the Senate engrossed bill, delete "primary" and insert "secondary".

18 1177jh

19 On page 2 of the Senate engrossed bill, delete lines 22 to 24, inclusive.

20 On page 3, delete lines 1 to 4, inclusive.

21 1177jg

22 On page 2, line 3, of the Senate engrossed bill, delete "Class 2 misdemeanor" and insert
23 "petty offense with a fine of one hundred dollars".

24 1177jf

25 On page 3, after line 10 of the Senate engrossed bill, insert:

26 " Section 6. That § 23-1A-22 be amended to read as follows:

27 23-1A-22. If the plaintiff prevails in a petty offense case, the plaintiff shall be granted a
28 judgment of twenty-five dollars. If the plaintiff prevails in a petty offense case under section 1

of this Act, the plaintiff shall be granted a judgment of one hundred dollars. However, the trial court may reduce or eliminate the award in the interest of justice. No award may be granted a defendant in a petty offense case. If a deposit is required by this chapter, it shall be the amount set by this section."

And that the title to HB 1177 be amended as follows:

1177jtc

On page 1, line 1, of the Senate engrossed bill, delete everything after "Act to" .

On page 1, delete lines 2 to 4, inclusive, and insert "prohibit certain use of handheld electronic wireless communication devices while driving and to provide a penalty therefor."

Respectfully submitted,
Charles Hoffman
House Committee Chair

Respectfully submitted,
Blake Curd
Senate Committee Chair

Cc158

Also MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 158 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 158 be amended as follows:

158fe

On page 2 of the House State Affairs Committee engrossed bill, delete line 24, and insert:

" (1) If the combined cash balance is less than ten percent of the general fund appropriations from the general appropriations act for the prior year, an amount of unobligated cash shall be transferred to the budget reserve fund, so that the combined cash balance equals ten percent of the general appropriations from the general appropriations act for the prior year;

(2) If the combined cash balance is equal to or greater than ten percent of the general fund appropriations from the general appropriations act for the prior year, or there is additional unobligated cash after the provisions in subdivision (1) are satisfied, an amount of unobligated cash shall be transferred to the building South Dakota fund, so that the collective BSDF cash balance does not exceed one percent of the general fund appropriations in the general appropriations act for the previous fiscal year; and

(3) If the collective BSDF cash balance exceeds one percent of the general fund appropriations in the general appropriations act for the previous year, or if there is additional unobligated cash remaining after the transfers in subdivisions (1) and (2),

1 the remaining unobligated cash shall be transferred to the budget reserve fund and
2 property tax reduction fund pursuant to the provisions of §§ 4-7-32 and 4-7-39.

3 Section 3. That chapter 4-7 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If the collective BSDF cash balance is less than one half percent of the general fund
6 appropriations in the general appropriations act for the previous fiscal year, the commissioner
7 shall transfer an amount of money from the property tax reduction fund to the building South
8 Dakota fund so that the total of the amount deposited pursuant to this section and section 2 of
9 this Act does not exceed one half percent of the general fund appropriations in the general
10 appropriations act for the previous fiscal year. However, the combined cash balance may not be
11 reduced to less than ten percent of the general fund appropriations from the general
12 appropriations act for the prior year by any transfer made to the building South Dakota fund
13 pursuant to this section.

14 Section 4. That chapter 4-7 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 Terms used in sections 2 and 3 of this Act mean:

17 (1) "Collective BSDF cash balance," the total cash balance of the:

18 (a) Building South Dakota fund;

19 (b) Local infrastructure improvement grant fund;

20 (c) Economic development partnership fund;

21 (d) Workforce education fund;

22 (e) South Dakota housing opportunity fund; and

23 (f) Funds disbursed pursuant to the provisions of subdivision (5) of § 1-16G-48;

24 (2) "Combined cash balance," the total cash balance of the:

25 (a) Budget reserve fund at the end of the prior fiscal year; and

26 (b) Property tax reduction fund at the end of the prior fiscal year."

27 On page 3, delete lines 1 to 24, inclusive.

28 On page 4, delete lines 1 to 11, inclusive.

29 Respectfully submitted,
30 David Lust
31 House Committee Chair

Respectfully submitted,
Timothy Rave
Senate Committee Chair

1 Speaker Pro tempore Wink now presiding.

2 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

3 Rep. Gosch moved that the report of the Conference Committee on SB 65 as found on page
4 760 of the House Journal be adopted.

5 The question being on Rep. Gosch's motion that the report of the Conference Committee
6 on SB 65 be adopted.

7 And the roll being called:

8 Yeas 65, Nays 5, Excused 0, Absent 0

9 Yeas:

10 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
11 Duvall; Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
12 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
13 Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson;
14 Novstrup (David); Olson (Betty); Otten (Herman); Peterson; Qualm; Rasmussen; Romkema;
15 Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele;
16 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

17 Nays:

18 Feinstein; Hawks; Killer; Parsley; Ring

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the motion carried and the report was adopted.

21 Speaker Gosch now presiding.

22 Rep. Carson moved that the report of the Conference Committee on HB 1111 as found on
23 page 761 of the House Journal be adopted.

24 The question being on Rep. Carson's motion that the report of the Conference Committee
25 on HB 1111 be adopted.

26 And the roll being called:

27 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
6 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 So the motion having received an affirmative vote of a two-thirds majority of the members-
11 elect, the Speaker declared the motion carried and the report was adopted.

12 Rep. Mickelson moved that the report of the Conference Committee on HB 1142 as found
13 on page 762 of the House Journal be adopted.

14 The question being on Rep. Mickelson's motion that the report of the Conference
15 Committee on HB 1142 be adopted.

16 And the roll being called:

17 Yeas 68, Nays 2, Excused 0, Absent 0

18 Yeas:

19 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
20 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
21 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
22 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
23 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
24 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly;
25 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
26 Wismer; Speaker Gosch

27 Nays:

28 Kaiser; Russell

29 So the motion having received an affirmative vote of a two-thirds majority of the members-
30 elect, the Speaker declared the motion carried and the report was adopted.

31 Rep. Don Haggar moved that the report of the Conference Committee on HB 1213 as
32 found on page 762 of the House Journal be adopted.

33 The question being on Rep. Don Haggar's motion that the report of the Conference
34 Committee on HB 1213 be adopted.

35 And the roll being called:

1 Yeas 70, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
4 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
5 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
6 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
7 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
8 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
9 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
10 Wick; Wink; Wismer; Speaker Gosch

11 So the motion having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the motion carried and the report was adopted.

13 Speaker Pro tempore Wink now presiding.

14 Rep. Gosch moved that the report of the Conference Committee on HB 1177 as found on
15 page 763 of the House Journal be adopted.

16 Rep. Lust called the previous question.

17 Motion prevailed.

18 The question being on Rep. Gosch's motion that the report of the Conference Committee
19 on HB 1177 be adopted.

20 And the roll being called:

21 Yeas 52, Nays 18, Excused 0, Absent 0

22 Yeas:

23 Anderson; Bartling; Cammack; Carson; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
24 Feickert; Feinstein; Gibson; Haggar (Don); Hajek; Hawks; Hawley; Heinemann (Leslie);
25 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Lust; Magstadt;
26 Mickelson; Munsterman; Novstrup (David); Parsley; Peterson; Qualm; Rasmussen; Ring;
27 Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Steele; Stevens; Tyler;
28 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

29 Nays:

30 Bolin; Campbell; Conzet; Greenfield; Haggar (Jenna); Kaiser; Kopp; Langer; Latterell; May;
31 Nelson; Olson (Betty); Otten (Herman); Russell; Solum; Stalzer; Tulson; Verchio

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the motion carried and the report was adopted.

3 Speaker Gosch now presiding.

4 Rep. Lust moved that the report of the Conference Committee on SB 158 as found on
5 page 764 of the House Journal be adopted.

6 Rep. Hunhoff moved as a substitute motion that the House do not adopt the report of the
7 Conference Committee on SB 158 as found on page 764 of the House Journal and that a new
8 committee on the part of the House be appointed.

9 Rep. Cronin moved the previous question.

10 Which motion prevailed.

11 A roll call vote was requested and supported.

12 The question being on Rep. Hunhoff's substitute motion that the report of the Conference
13 Committee on SB 158 not be adopted.

14 And the roll being called:

15 Yeas 18, Nays 52, Excused 0, Absent 0

16 Yeas:

17 Bartling; Feickert; Feinstein; Gibson; Hawks; Hawley; Heinert; Hunhoff (Bernie); Killer;
18 Kirschman; Nelson; Parsley; Peterson; Ring; Schrempp; Soli; Tyler; Wismer

19 Nays:

20 Anderson; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
21 Ecklund; Erickson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Heinemann (Leslie);
22 Hickey; Hoffman; Johns; Kaiser; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
23 Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Qualm; Rasmussen;
24 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Solum; Stalzer; Steele;
25 Stevens; Tulson; Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

26 So the motion not having received an affirmative vote of a majority of the members-elect,
27 the Speaker declared the motion lost.

1 The question being on Rep. Lust's motion that the report of the Conference Committee on
2 SB 158 be adopted.

3 And the roll being called:

4 Yeas 52, Nays 18, Excused 0, Absent 0

5 Yeas:

6 Anderson; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
7 Ecklund; Erickson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Heinemann (Leslie);
8 Hickey; Hoffman; Johns; Kaiser; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
9 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Qualm; Rasmussen;
10 Romkema; Rounds; Rozum; Schaefer; Schoenfish; Sly; Solum; Stalzer; Steele; Stevens; Tulson;
11 Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

12 Nays:

13 Bartling; Feickert; Feinstein; Gibson; Hawks; Hawley; Heinert; Hunhoff (Bernie); Killer;
14 Kirschman; Parsley; Peterson; Ring; Russell; Schrempp; Soli; Tyler; Wismer

15 So the motion having received an affirmative vote of a two-thirds majority of the members-
16 elect, the Speaker declared the motion carried and the report was adopted.

17 There being no objection, the House reverted to Order of Business No. 4.

18 COMMUNICATIONS AND PETITIONS

19 March 13, 2014

20 Mr. Speaker and Members of the House of Representatives:

21 I have the honor to inform you that on March 13, 2014, I approved House Bill 1054, and the
22 same has been deposited in the office of the Secretary of State.

23 Respectfully submitted,
24 Dennis Daugaard
25 Governor

REPORTS OF CONFERENCE COMMITTEES

Cc1

MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 1 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 1 be amended as follows:

1fe

On page 1, between lines 12 and 13 of the House State Affairs Committee engrossed bill, insert:

" Section 2. That chapter 2-9 be amended by adding thereto a NEW SECTION to read as follows:

The term of each Executive Board is from sine die in the odd-numbered year until sine die in the next succeeding odd-numbered year. During the entire period of each Executive Board's term, it is the governance body of the Legislative Research Council and shall direct and supervise its staff and activities."

On page 2, line 18, delete "of section 2".

lyc

On page 1, line 8, of the House State Affairs Committee engrossed bill, delete "even-numbered" and insert "odd-numbered".

On page 1, line 11, delete "odd-numbered" and insert "even-numbered".

1rb

On page 2, after line 18 of the House State Affairs Committee engrossed bill, insert:

" Section 4. That chapter 2-9 be amended by adding thereto a NEW SECTION to read as follows:

The party makeup of the Executive Board members of the House of Representatives, including the ex officio members, shall be proportional to the party makeup of the House of Representatives as a whole. The party makeup of the Executive Board members of the Senate, including the ex officio members, shall be proportional to the party makeup of the Senate as a whole."

1 And that the title to SB 1 be amended as follows:

2 1ftc

3 On page 1, line 3, of the House State Affairs Committee engrossed bill, before "and" insert
4 "to provide for the year-round governance of the Legislative Research Council by the Executive
5 Board,".

6 Respectfully submitted,
7 David Lust
8 House Committee Chair

Respectfully submitted,
Craig Tieszen
Senate Committee Chair

9 **MOTIONS AND RESOLUTIONS**

10 Rep. Lust moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
11 Friday, March 14, 2014, the 37th legislative day.

12 Which motion prevailed.

13 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

14 Rep. Lust moved that the report of the Conference Committee on SB 1 as found on
15 page 771 of the House Journal be adopted.

16 The question being on Rep. Lust's motion that the report of the Conference Committee on
17 SB 1 be adopted.

18 And the roll being called:

19 Yeas 53, Nays 17, Excused 0, Absent 0

20 Yeas:

21 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Cronin; Dryden; Duvall; Ecklund;
22 Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Hajek; Hawks; Hawley; Heinemann
23 (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Langer; Lust; Magstadt;
24 Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
25 Qualm; Rasmussen; Romkema; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
26 Stevens; Tulson; Verchio; Werner; Westra; Wick; Wink; Wismer

27 Nays:

28 Campbell; Craig; Greenfield; Haggar (Jenna); Kaiser; Kirschman; Kopp; Latterell; May;
29 Nelson; Ring; Rounds; Russell; Stalzer; Steele; Tyler; Speaker Gosch

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the report was adopted.

There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1046, 1063, 1071, 1087, 1100, 1113, 1161, and 1166 were delivered to his Excellency, the Governor, for his approval at 8:50 a.m., March 13, 2014.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1019, 1025, 1038, 1039, 1045, 1069, 1127, 1129, 1143, 1148, and 1162 were delivered to his Excellency, the Governor, for his approval at 11:15 a.m., March 13, 2014.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1040, 1041, 1112, 1122, 1164, 1175, 1194, 1203, and 1249 and finds the same correctly enrolled.

Respectfully submitted,
Brian G. Gosch, Chair

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1040: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2014.

HB 1041: FOR AN ACT ENTITLED, An Act to make an appropriation for the railroad trust fund and to declare an emergency.

HB 1112: FOR AN ACT ENTITLED, An Act to appropriate general funds and higher education facility funds to replace a portion of the other funds appropriated for the construction

1 of swine teaching and research facilities at South Dakota State University and to declare an
2 emergency.

3 HB 1122: FOR AN ACT ENTITLED, An Act to define the limitations of interstate
4 compacts relating to the collection of civil fines.

5 HB 1164: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school
6 board opening day decision petitions.

7 HB 1175: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to expand
8 university facilities at the University of South Dakota, to make an appropriation therefor, and
9 to declare an emergency.

10 HB 1194: FOR AN ACT ENTITLED, An Act to establish certain requirements relating
11 to the crossings of railroad rights-of-way by utilities.

12 HB 1203: FOR AN ACT ENTITLED, An Act to improve the financial practices of the
13 State of South Dakota.

14 HB 1249: FOR AN ACT ENTITLED, An Act to revise the required hours in a school term
15 for certain grade levels.

16 SB 2: FOR AN ACT ENTITLED, An Act to provide for the delayed arrest, under certain
17 circumstances, in regard to certain outstanding warrants for victims of domestic abuse with
18 minor children.

19 SB 15: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
20 Authority and the Board of Regents to finance, design, construct, furnish, and equip a football
21 stadium facility at South Dakota State University, to make an appropriation therefor, and to
22 declare an emergency.

23 SB 18: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract
24 for the construction of a greenhouse on the campus of Northern State University and to make
25 an appropriation therefor.

26 SB 20: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish
27 buildings on the campus of South Dakota State University and to make an appropriation
28 therefor.

29 SB 23: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
30 deceptive trade practices, including unordered property or services, lodging reservation and
31 cancellation, violation penalties, attorney's fees, entry rights for landlords and tenants, debit card
32 theft, and organized retail crime.

33 SB 25: FOR AN ACT ENTITLED, An Act to establish the procedure to forfeit personal
34 property in child pornography, human trafficking, child solicitation or exploitation cases, and
35 to direct money from the forfeitures.

1 SB 28: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs
2 related to mountain pine beetle suppression and to declare an emergency.

3 SB 37: FOR AN ACT ENTITLED, An Act to revise the state aid to general education
4 formula.

5 SB 38: FOR AN ACT ENTITLED, An Act to revise the state aid to special education
6 formula.

7 SB 46: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding animal
8 welfare and to provide a felony penalty for cruelty to animals.

9 SB 53: FOR AN ACT ENTITLED, An Act to make appropriations to fund certain
10 programs and projects that provide economic benefits to South Dakotans and to declare an
11 emergency.

12 SB 90: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the High
13 School Activities Association.

14 SB 99: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding self-
15 funded multiple employer trusts.

16 SB 113: FOR AN ACT ENTITLED, An Act to revise the minimum suspension
17 requirements for students participating in extracurricular activities.

18 SB 143: FOR AN ACT ENTITLED, An Act to provide for a civil remedy for a bad faith
19 assertion of patent infringement.

20 SB 157: FOR AN ACT ENTITLED, An Act to make an appropriation to the building
21 South Dakota fund and to declare an emergency.

22 SB 168: FOR AN ACT ENTITLED, An Act to authorize criminal background checks for
23 certain officers and employees of the Governor's Office of Economic Development.

24 SB 172: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to services
25 performed by dental hygienists.

26 SB 176: FOR AN ACT ENTITLED, An Act to revise the ability of the secretary of the
27 Department of Revenue to reduce or abate taxes.

28 And signed the same in the presence of the House.

29 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
30 2:43 p.m. the House adjourned.

31 Arlene Kvislen, Chief Clerk

